IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

CIVIL REVISION APPLICATION (ST.) NO.19517 OF 2007

Mrs. Vasanthi S. Parakkal .. Applicant.

V/s.

1. State of Maharashtra
2. Additional Commissioner, Konkan Division, Mumbai.
3. Smt. Rita J. Pareira .. Respondents.

Mr.M.M.Najmi i/by Ms.Teresa M.Nadar for the Applicant.

Mr. Bharat Mehta, AGP for the Respondent Nos.1 and 2.

Mr.Sanskar Marathe for the Respondent No.3.

CORAM : S. A. BOBDE, J.

DATED : 27th SEPTEMBER, 2007.

P.C. :-

. This civil revision application is directed against the order of the competent authority under the Maharashtra Rent Control Act. The competent authority has directed the eviction of the petitioner from the premises which were obtained by him on licence. There is a clear finding based on the evidence on the record that the respondent No.3 is the owner of the suit premises, which were given on licence to the petitioner and the petitioner has failed to vacate the same inspite of the expiry of the licence period. Mr. M.M.Najmi,

the learned counsel for the petitioner submitted that the order of the competent authority is vitiated on two grounds. Firstly, that the competent authority struck of the defence of the petitioner without any application of mind. However, the learned counsel fairly accepted the fact that the petitioner had not complied with the order of deposit made by the competent authority at an earlier stage. In the circumstances, it is difficult to see how the order, striking out the defence can be said to be illegal or, has, in any case, vitiated the final order.

2. The learned counsel for the petitioner next contended that the impugned order is vitiated on the ground that the petitioner was not given an opportunity to cross-examine the respondent witnesses. There is no doubt that a person whose defence is struck of is entitled to cross-examine the witnesses of the other side. However, in this case the petitioner has not been able to demonstrate the denial of an opportunity to cross examine the witnesses of the other side. The learned counsel for the respondent has strongly refuted any denial of opportunity to the petitioner to cross examine the respondent witnesses. The order also does not indicate anything in support of the petitioner’s contention. The learned counsel for the petitioner only

relies on the ground in the memo of revision which does not disclose any particulars of which witness was not allowed to be cross-examined and on which date. There does not appear to be any application for direction to cross examine which has been rejected by the trial court.

3. In the circumstances, there is no reason to interfere and the revision application is liable to be dismissed. Dismissed accordingly.

(S.A.BOBDE,J.)

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